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10/527,400

03/11/2005

Pranil Ram

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EXAMINER

ROSEN, ELIZABETH H

ART UNIT

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|------------------------|---------------------|--|
| Office Action Summary | Application No. | Applicant(s) | |
| | 10/527,400 | RAM ET AL. | |
| | Examiner | Art Unit | |
| | ELIZABETH ROSEN | 3692 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the Application filed on March 11, 2005.
2. Claims 1-15 are currently pending and have been examined.

Double Patenting

3. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

4. A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

5. Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

6. Claims 1-15 are provisionally rejected on the ground of nonstatutory double patenting over claims 1-232 of copending Application No. 09/897,437. This is a provisional double patenting rejection since the conflicting claims have not yet been patented.

7. The subject matter claimed in the instant application is fully disclosed in the referenced copending application and would be covered by any patent granted on that copending application since the referenced copending application and the instant application are claiming common subject matter, as follows: user interface for trading.

8. Furthermore, there is no apparent reason why applicant would be prevented from presenting claims corresponding to those of the instant application in the other copending application. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. **Claim 9** is rejected under 35 U.S.C. 102(b) as being anticipated by **Freeny, Jr.**, U.S. Patent Number 6,594,643 B1.

Claim 9:

Freeny teaches:

- a first display for displaying at least one bid/ask price for at least one of said items in an active market (see at least Freeny, column 1, lines 42-45 ("The system includes a data interface for receiving investment data identifying at least one item capable of being trading and containing information uniquely associated with the item."));
- a second display for displaying transaction conditions relating to the buying or selling of said item based upon a user directed GUI object (see at least Freeny, column 3, lines 19-22 ("The individual trading computer 16 also receives predetermined trading criteria for making a trade from the input unit 14 via a communication link 26.") and column 3, lines 27-29 ("[T]he predetermined trading criteria can be an instruction to buy and/or sell a stock at a predetermined price.")); and
- a transaction component that in response to an action of the user, sends a transaction request to a server system at the transaction conditions specified (see at least Freeny, column 3, lines 54-59 ("[T]he individual trading computer 16 generates the trade request and automatically outputs a trader request signal to an individual selected market trader.")).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claims 1-8 and 10-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Freeny, Jr.**, U.S. Patent Number 6,594,643 B1 in view of **Ram et al.**, U.S. Patent Application Publication Number 2003/0009411 A1.

Claim 1:

Freeny discloses the limitations of:

- under control of a client system, displaying information identifying at least one item and a bid/ask price for said item in said at least one active market (see at least Freeny, column 1, lines 42-45 ("The system includes a data interface for receiving investment data identifying at least one item capable of being trading and containing information uniquely associated with the item."));
- specifying transaction conditions...said transaction conditions related to the buying or selling of said identified item in said active market (see at least Freeny, column 3, lines 23-27 ("The predetermined trading criteria include instructions, such as buy and sell orders, or algorithms capable of being used to analyze investment data to generate a trade request to buy and/or sell one or more multiples of an investment item or products.") and column 3, line 63 through column 4, line 2 ("The trade request typically identifies at least one investment item and includes a product quantity and a predetermined trade price or market order conditioned to specifically identify all predetermined parameters or conditions necessary (such as long or short positions) to authorize the individual market trader 28 to make the trade identified in the trade request signal."));
- in response to an action of said user sending a user transaction request at the transaction conditions specified at the time of said action (see at least Freeny, column 3, lines 54-59 ("[T]he individual trading computer 16 generates the trade

request and automatically outputs a trader request signal to an individual selected market trader."));

- facilitating a financial transaction for the user in accordance with the transaction conditions to complete the transaction (see at least Freeny, column 4, lines 12-15 ("The individual selected market trader 28 receives the formatted trade request signal and in response thereto, the individual selected market trader 28 executes at least a portion of the trade.")); and
- whereby, the item may be bought or sold by said user at said transaction conditions (see at least Freeny, column 3, lines 23-27, 54-59 and column 4, lines 12-15).

Freeny does not disclose, but **Ram**, however, does disclose:

- based on a user directed position of a moveable icon (see at least Ram, Paragraph 0042).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Ram's moveable icon with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to trade.

Claim 2:

Freeny further discloses:

- connecting to a source of information for said at least one active market and receiving and displaying at least one said bid/ask price for said item in substantially real time (see at least Freeny, column 4, lines 61-67.).

Claim 3:

Freeny does not disclose, but **Ram**, however, does disclose:

- displaying said bid/ask price graphically (see at least Ram, Figure 3 and associated text).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Ram's graphic display of prices with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to view prices and trade.

Claim 4:

Freeny further discloses:

- wherein said client system is associated with a server system (see at least Freeny, Figures 1, 2, 3, 4 and associated text.);
- said server system includes previously stored user financial account information (see at least Freeny, column 5, lines 45-52 ("The computer 46 is programmed to determine the value of an investment item portfolio owned by the individual and stored by the computer 46 of the individual trading computer 16 in real time (every investment item data retrieval cycle). The investment item portfolio can include information regarding investment items which are maintained in several different investment accounts.")); and
- wherein said step of facilitating said financial transaction includes updating the previously stored user information in light of said financial transaction (see at least Freeny, column 5, lines 45-59 ("The individual trading computer 16 can then automatically determine the amount of gain or loss of the investment item portfolio based on the latest trade confirmation data received by the computer 46 over the communication link 34.")).

Claim 5:

Freeny further discloses:

- wherein said transaction conditions are based on said previously stored user financial account information (see at least Freeny, column 3, lines 23-27 and column 3, line 63 through column 4, line 2).

Freeny does not disclose, but Ram, however, does disclose:

- as well as said user directed position of said moveable icon (see at least Ram, Paragraph 0042).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Ram's moveable icon with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to trade.

Claim 6:

Freeny does not disclose, but Ram, however, does disclose:

- wherein said step of displaying said bid/ask price graphically further comprises forming a two-dimensional grid having rows and columns, wherein at least one axis of said grid represents price, and the other axis represents active markets for said item (see at least Ram, Figure 3 and associated text).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Ram's graphic display of prices with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to facilitate trading.

Claim 7:

Freeny further discloses:

- wherein in response to said transaction being completed said client system receives and displays a transaction confirmation for said user (see at least Freeny, column 4, lines 29-33 ("Once the individual selected market trader 28 has executed the trade request signal, either partially or in whole, the individual selected market trader 28 outputs a trade confirmation signal to the trading interface 18 via the communication link 32.")).

Claim 8:

Freeny does not disclose, but **Ram**, however, does disclose:

- wherein in response to said transaction remaining open due to an inability to match said transaction conditions, said client system maintains and displays said transaction for said user (see at least Ram, Figure 52 and associated text).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Ram's method of maintaining an order until it is completed with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of completing a transaction upon availability of a buyer or seller.

Claim 10:

Freeny discloses the limitations of:

- connecting a user interface to at least one source of bid/ask market information for at least one item (see at least Freeny, Figures 1, 2, 3, 4 and associated text.);
- displaying, in said user interface...representation of said bid/ask prices for said at least one item (see at least Freeny, column 1, lines 42-45 ("The system includes a data interface for receiving investment data identifying at least one item capable of being trading and containing information uniquely associated with the item.")); and

- revising, in substantially real-time, said...representation of said bid/ask prices for said at least one item to visually depict market movement over time of said bid/ask prices of said at least one item (see at least Freeny, column 4, lines 61-67 and column 5, lines 26-31 (Investment data is updated about five to twenty times per minute.)).

Freeny does not disclose, but **Ram**, however, does disclose:

- a graphical representation (see at least Ram, Figure 3 and associated text).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Ram's graphic display of prices with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to view prices and trade.

Claim 11:

Freeny does not disclose, but **Ram**, however, does disclose:

- permitting said user to select additional items for simultaneous graphical representation (see at least Ram, Figure 3 and Paragraphs 0047, 0253).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Ram's graphic display of prices with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to view prices and trade.

Claim 12:

Freeny further discloses:

- connecting to more than one source of bid/ask market information for said item (see at least Freeny, Figure 1, Items 12, 20, 22 and associated text).

Freeny does not disclose, but **Ram**, however, does disclose:

- simultaneously displaying by said graphical representation additional active markets for said item (see at least Ram, Figure 3 and Paragraphs 0047, 0253).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Ram's graphic display of prices with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to view prices and trade.

Claim 13:

Freeny further discloses:

- for displaying an order for said item, for initiating/modifying trading orders based on the position of said icon relative to the graphical representation and an action of said user (see at least Freeny, column 1, lines 42-45 and column 3, lines 19-29).

Freeny does not disclose, but **Ram**, however, does disclose:

- providing, in said user interface, a user directed moveable icon (see at least Ram, Paragraph 0042).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Ram's moveable icon with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to trade.

Claim 14:

Freeny does not disclose, but **Ram**, however, does disclose:

- wherein said icon is moved by said user by being dragged across said interface and said step of initiating/modifying said trading order comprises said user dropping said icon on a preselected cell of said graphical interface (see at least Ram, Figure 3 and Paragraph 0042).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Ram's moveable icon with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to trade.

Claim 15:

Freeny does not disclose, but **Ram**, however, does disclose:

- displaying transaction scenarios based on one or more user selected transaction conditions and said user directed position of said icon over said interface (see at least Ram, Figures 3, 20, 21, 22, 28).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Ram's display of transaction scenarios with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to trade by allowing the to view potential or actual transactions.

Examiner's Note: *The rejection below of Claims 1-15 is an alternative to the rejection above. For the rejections above, Applicant's filing date was presumed to be March 11, 2005. For the rejections below, Applicant's filing date was presumed to be September 9, 2003.*

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. **Claim 9** is rejected under 35 U.S.C. 102(e) as being anticipated by **Freeny, Jr., U.S. Patent Number 6,594,643 B1**.

Claim 9:

Freeny teaches:

- a first display for displaying at least one bid/ask price for at least one of said items in an active market (see at least Freeny, column 1, lines 42-45 ("The system includes a data interface for receiving investment data identifying at least one item capable of being trading and containing information uniquely associated with the item."));
- a second display for displaying transaction conditions relating to the buying or selling of said item based upon a user directed GUI object (see at least Freeny, column 3, lines 19-22 ("The individual trading computer 16 also receives predetermined trading criteria for making a trade from the input unit 14 via a communication link 26.") and column 3, lines 27-29 ("[T]he predetermined trading criteria can be an instruction to buy and/or sell a stock at a predetermined price.")); and
- a transaction component that in response to an action of the user, sends a transaction request to a server system at the transaction conditions specified

(see at least Freeny, column 3, lines 54-59 ("[T]he individual trading computer 16 generates the trade request and automatically outputs a trader request signal to an individual selected market trader.")).

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. **Claims 1, 2, 4, 5, 7, and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Freeny, Jr.**, U.S. Patent Number 6,594,643 B1 in view of **Gunter et al.**, U.S. Patent Application Publication Number 2002/0158904 A1.

Claim 1:

Freeny discloses the limitations of:

- under control of a client system, displaying information identifying at least one item and a bid/ask price for said item in said at least one active market (see at least Freeny, column 1, lines 42-45 ("The system includes a data interface for receiving investment data identifying at least one item capable of being trading and containing information uniquely associated with the item."));
- specifying transaction conditions...said transaction conditions related to the buying or selling of said identified item in said active market (see at least Freeny, column 3, lines 23-27 ("The predetermined trading criteria include instructions, such as buy and sell orders, or algorithms capable of being used to analyze investment data to generate a trade request to buy and/or sell one or more multiples of an investment item or products.") and column 3, line 63 through column 4, line 2 ("The trade request typically identifies at least one investment item and includes a product quantity and a predetermined trade price or market order conditioned to specifically identify all predetermined parameters or conditions necessary (such as long or short positions) to authorize the individual market trader 28 to make the trade identified in the trade request signal."));

- in response to an action of said user sending a user transaction request at the transaction conditions specified at the time of said action (see at least Freeny, column 3, lines 54-59 ("[T]he individual trading computer 16 generates the trade request and automatically outputs a trader request signal to an individual selected market trader."));
- facilitating a financial transaction for the user in accordance with the transaction conditions to complete the transaction (see at least Freeny, column 4, lines 12-15 ("The individual selected market trader 28 receives the formatted trade request signal and in response thereto, the individual selected market trader 28 executes at least a portion of the trade.")); and
- whereby, the item may be bought or sold by said user at said transaction conditions (see at least Freeny, column 3, lines 23-27, 54-59 and column 4, lines 12-15).

Freeny does not disclose, but Gunter, however, does disclose:

- based on a user directed position of a moveable icon (see at least Gunter, Abstract)

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Gunter's moveable icon with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to trade.

Claim 2:

Freeny further discloses:

- connecting to a source of information for said at least one active market and receiving and displaying at least one said bid/ask price for said item in substantially real time (see at least Freeny, column 4, lines 61-67).

Claim 4:

Freeny further discloses:

- wherein said client system is associated with a server system (see at least Freeny, Figures 1, 2, 3, 4 and associated text.);
- said server system includes previously stored user financial account information (see at least Freeny, column 5, lines 45-52 ("[T]he computer 46 is programmed to determine the value of an investment item portfolio owned by the individual and stored by the computer 46 of the individual trading computer 16 in real time

(every investment item data retrieval cycle). The investment item portfolio can include information regarding investment items which are maintained in several different investment accounts."));

- wherein said step of facilitating said financial transaction includes updating the previously stored user information in light of said financial transaction (see at least Freeny, column 5, lines 45-59 ("The individual trading computer 16 can then automatically determine the amount of gain or loss of the investment item portfolio based on the latest trade confirmation data received by the computer 46 over the communication link 34.")).

Claim 5:

Freeny further discloses:

- wherein said transaction conditions are based on said previously stored user financial account information (see at least Freeny, column 3, lines 23-27 and column 3, line 63 through column 4, line 2).

Freeny does not disclose, but **Gunter**, however, does disclose:

- as well as said user directed position of said moveable icon (see at least Gunter, Abstract).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Gunter's moveable icon with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to trade.

Claim 7:

Freeny further discloses:

- wherein in response to said transaction being completed said client system receives and displays a transaction confirmation for said user (see at least Freeny, column 4, lines 29-33 ("Once the individual selected market trader 28 has executed the trade request signal, either partially or in whole, the individual selected market trader 28 outputs a trade confirmation signal to the trading interface 18 via the communication link 32.")).

Claim 8:

Freeny does not explicitly disclose:

- wherein in response to said transaction remaining open due to an inability to match said transaction conditions, said client system maintains and displays said transaction for said user.

However, it would be obvious that the trade request in Freeny would stay active until either it is matched or revised. It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate this feature with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of completing a transaction upon availability of a buyer or seller.

17. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Freeny, Jr.**, U.S. Patent Number 6,594,643 B1 in view of **Gunter et al.**, U.S. Patent Application Publication Number 2002/0158904 A1, and further in view of **Colaio et al.**, U.S. Patent Number 6,939,137.

Claim 3:

Freeny does not disclose, but **Colaio**, however, does disclose:

- displaying said bid/ask price graphically (see at least Colaio, Figure 2, Item 212 and column 5, lines 4-22).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Colaio's graphic display of prices with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to view prices and trade.

18. **Claim 6** is rejected under 35 U.S.C. 103(a) as being unpatentable over **Freeny, Jr.**, U.S. Patent Number 6,594,643 B1 in view of **Gunter et al.**, U.S. Patent Application Publication Number 2002/0158904 A1, and further in view of **Colaio et al.**, U.S. Patent Number 6,939,137, and further in view of **Lyons et al.**, U.S. Patent Number 4,989,141.

Claim 6:

Freeny does not disclose, but **Lyons**, however, does disclose:

- wherein said step of displaying said bid/ask price graphically further comprises forming a two-dimensional grid having rows and columns, wherein at least one

axis of said grid represents price, and the other axis represents active markets for said item (see at least Lyons, column 1, lines 23-44).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Lyons' graphic display of prices with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to facilitate trading.

19. **Claims 10, 11, and 15** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Freeny, Jr.**, U.S. Patent Number 6,594,643 B1 in view of **Colaio et al.**, U.S. Patent Number 6,939,137.

Claim 10:

Freeny discloses the limitations of:

- connecting a user interface to at least one source of bid/ask market information for at least one item (see at least Freeny, Figures 1, 2, 3, 4 and associated text.);
- displaying, in said user interface...representation of said bid/ask prices for said at least one item (see at least Freeny, column 1, lines 42-45 ("The system includes a data interface for receiving investment data identifying at least one item capable of being trading and containing information uniquely associated with the item.")); and
- revising, in substantially real-time, said...representation of said bid/ask prices for said at least one item to visually depict market movement over time of said bid/ask prices of said at least one item (see at least Freeny, column 4, lines 61-67 and column 5, lines 26-31 (Investment data is updated about five to twenty times per minute.)).

Freeny does not disclose, but **Colaio**, however, does disclose:

- a graphical representation (see at least Colaio, Figure 2, Item 212 and column 5, lines 4-22).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Colaio's graphic display of prices with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to view prices and trade.

Claim 11:

Freeny does not explicitly disclose:

- permitting said user to select additional items for simultaneous graphical representation.

Colaio, however, discloses:

- a graph displaying prices (Figure 2, Item 212 and column 5, lines 4-22).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Colaio's graphic display of prices with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to view prices and trade.

Claim 15:

Freeny does not disclose, but Colaio, however, does disclose:

- displaying transaction scenarios based on one or more user selected transaction conditions and said user directed position of said icon over said interface (see at least Colaio, Figure 3).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Colaio's display of transaction scenarios with Freeny's automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to trade by allowing the to view potential or actual transactions.

20. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Freeny, Jr., U.S. Patent Number 6,594,643 B1 in view of Colaio et al., U.S. Patent Number 6,939,137, and further in view of Russo, U.S. Patent Application Publication Number 2004/0068458 A1.

Claim 12:

Freeny further discloses:

- connecting to more than one source of bid/ask market information for said item (see at least Freeny, Figure 1, Items 12, 20, 22 and associated text).

Freeny does not disclose, but Russo, however, does disclose:

- and simultaneously displaying by said graphical representation additional active markets for said item (see at least Russo, Drawing 4, Figure 001, Figure 013).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate Russo's graphic display of prices with Freeny's automatic stock

trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to view prices and trade.

21. **Claims 13 and 14** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Freeny, Jr.**, U.S. Patent Number 6,594,643 B1 in view of **Colaio et al.**, U.S. Patent Number 6,939,137, and further in view of **Gunter et al.**, U.S. Patent Application Publication Number 2002/0158904 A1.

Claim 13:

Freeny further discloses:

- for displaying an order for said item, for initiating/modifying trading orders based on the position of said icon relative to the graphical representation and an action of said user (see at least **Freeny**, column 1, lines 42-45 and column 3, lines 19-29).

Freeny does not disclose, but **Ram**, however, does disclose:

- providing, in said user interface, a user directed moveable icon (see at least **Gunter**, Abstract).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate **Gunter's** moveable icon with **Freeny's** automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to trade.

Claim 14:

Freeny does not explicitly disclose:

- wherein said icon is moved by said user by being dragged across said interface and said step of initiating/modifying said trading order comprises said user dropping said icon on a preselected cell of said graphical interface.

Colaio, however, discloses:

- a graph displaying prices (Figure 2, Item 212 and column 5, lines 4-22).

It would have been prima facie obvious to one of ordinary skill in the art at the time of the invention to incorporate **Colaio's** moveable icon with **Freeny's** automatic stock trading system. One of ordinary skill in the art would have been motivated to incorporate this feature for the purpose of allowing users to use a computer to trade.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth Rosen whose telephone number is 571-270-1850. The examiner can normally be reached on Monday - Friday, 8:30 am-6:00 pm est, alt Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Abdi can be reached at 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nga B. Nguyen/

Primary Examiner, Art Unit 3692

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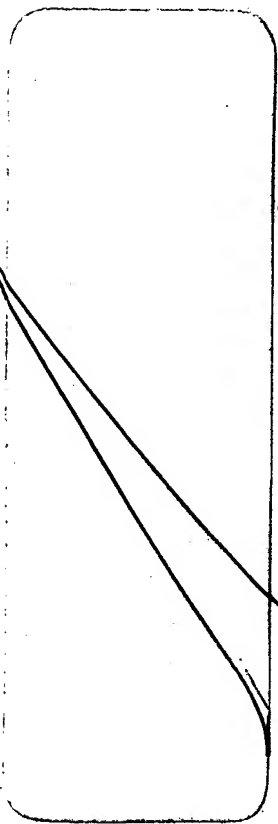
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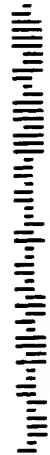
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